



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
100 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94111

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Refer to: ENF-1106, 1206

Mr. William H. Lewis, Jr.
Executive Officer
California Air Resources Board
1709 - 11th Street
Sacramento CA 95814

FEB 2 1976

Dear Mr. Lewis:

This is in response to William Simmons' letter of July 10, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Ventura County Air Pollution Control District and the Northern Sonoma County Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Ventura County and Northern Sonoma County Air Pollution Control Districts, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control Districts and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Ventura County and Northern Sonoma County Air Pollution Control Districts as follows:

- A. Authority for ten categories of new sources located in the Ventura County Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of the request for delegation. The categories of new sources covered by the delegation are incinerators; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants, and sewage treatment plants.

- B. Authority for twelve categories of new sources located in the Northern Sonoma County Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of the request for delegation. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.
- C. Authority for all sources located in the Ventura County and Northern Sonoma County Air Pollution Control Districts subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of the request for delegation. The hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Semi-annual reports will be submitted to EPA by the Ventura County and Northern Sonoma County Air Pollution Control Districts through the State of California Air Resources Board as specified in the State's Request for Delegation.
2. Enforcement of the NSPS and NESHAPS in the Ventura County and Northern Sonoma County Air Pollution Control Districts will be the primary responsibility of the Districts and the State of California Air Resources Board. If either of the Districts and the State determine that such enforcement is not feasible and so notify EPA, or where either of the Districts or the State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the appropriate District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of NSPS and NESHAPS does not commit the State of California and the Ventura County and Northern Sonoma County Air Pollution Control Districts to request or accept delegation of future standards and requirements. However, delegation of additional NSPS or NESHAPS standards or requirements, not in effect as of the State's Request of July 10, 1975, would require a new request for delegation.
4. The State of California and the Ventura County and Northern Sonoma County Air Pollution Control Districts are not requesting delegation of authority over Federal facilities within the Districts which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and Ventura County or Northern Sonoma County District regulations.
5. The Ventura County and Northern Sonoma County Air Pollution Control Districts will at no time grant a variance from compliance with either Rule 72 or 73 of the Ventura County District, or Rule 70 or 71 of the Northern Sonoma County District, respectively, except as provided in this paragraph. Should either District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by a District shall also constitute grounds for revocation of delegation by EPA. However, if the Ventura County or Northern Sonoma County District in the future amends either Rule 72 or 73, or Rule 70 or 71, respectively, so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.

6. The Ventura County and Northern Sonoma County Air Pollution Control Districts will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to their NSPS and NESHAPS regulations. Any use by a District of test methods to determine compliance with NSPS or NESHAPS not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.
7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Ventura County and Northern Sonoma County Air Pollution Control Districts and regarding interpretation of applicable regulations.
8. If at any time there is a conflict between a State or Ventura County or Northern Sonoma County Air Pollution Control District regulation and a Federal regulation (40 CFR Part 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or a District determine that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.
9. If the Regional Administrator determines that a State or Ventura County or Northern Sonoma County Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

10. As of the date of this delegation, sources subject to the NSPS or NESHAPS located within either the Ventura County or Northern Sonoma County Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS to the appropriate Air Pollution Control District and to EPA, Region IX.
11. The Ventura County Air Pollution Control District shall ensure that all sources subject to the NSPS and NESHAPS located within the District shall comply with all requirements contained in 40 CFR Part 60 (except Subparts D and F) and Part 61 which have not been officially adopted by the District as Rules 72 and 73 of the District Rules and Regulations and which have been promulgated as of the date of the request for delegation (i.e. test methods and emission monitoring requirements). When the District completes an appendix to its Rules and Regulations which sets forth the above requirements, such Appendix shall be submitted to EPA for review and approval. Any disparity between the requirements set forth in the Appendix and the federally promulgated requirements shall constitute grounds for revocation of delegation by EPA if not corrected.

A Notice announcing this delegation will be published in the Federal Register in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Ventura County Air Pollution Control District shall be submitted to the Air Pollution Control District Office at 625 E. Santa Clara Street, Ventura CA 93001, and that all such reports by sources located in the Northern Sonoma County Air Pollution Control District shall be submitted to the Air Pollution Control District Office at 3313 Chanate Road, Santa Rosa CA 95404, as well as to EPA, Region IX.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and Districts will be deemed to have accepted all of the terms of the delegation.

Sincerely,

L Russell Freeman Deputy

Acting Paul De Falco, Jr.
Regional Administrator

cc: Ventura County Air Pollution Control District
Northern Sonoma County Air Pollution Control District